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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VANDERPUE, KENNETH N

ART UNIT PAPER NUMBER

2661

DATE MAILED: 07/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/212,852

Applicant(s)

DALAL, NEERAV N.

Examiner

Kenneth N Vanderpuye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-14, 17, 19 and 21 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 15 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 9-11, 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by the admitted prior art(Fig. 2).

With regards to claim 1, the admitted prior art teaches an SDU comprising:

(29) a first controller associated with a first one of said plurality of base stations(Fig. 2, SDU, 201 is associated with a base station) capable of performing radio link protocol functions related to wireless communication links between said first base station and at least one of said plurality of mobile stations(Fig. 2@206), a second controller associated with a mobile switching center of said CDMA wireless network capable of performing radio physical layer protocol functions(Fig. 2@142, switch performs physical layer functions) related to transmission of wireline data comprising at least one of voice traffic and data traffic(MSC switches voice data), between said CDMA wireless network and a wired network coupled to said CDMA wireless network.(PSTN)

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Claim 2 is rejected because the admitted prior art teaches the apparatus in claim 1 wherein said RLP functions comprise selection of preferred ones of incoming wireless traffic frames received from said plurality of base stations(Fig. 2@202)

Claim 3 is rejected because the admitted prior art teaches the apparatus in claim 1, wherein said RLP functions comprise controlling a transmission power of a selected one of said plurality of mobile stations(Fig. 2@212)

Claim 9-11 is rejected for the same reasons as claim 1-3 and in light of the features presented in Fig. 2.

Claims 17-18 are rejected for the same reasons as claims 1-3 because the method steps presented are achievable by apparatus claimed.

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5, 12-13, 19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art(Fig. 2) in view of Smolik(6,381,455).

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With regards to claims 4-5, 12-13, 19, 21 the admitted prior art fails to teach vocoding as one of the physical layer functions in the MSC. This is taught by Smolik(Fig. 1@16). It would have been obvious to one of ordinary skill in the art to combine Smolik with the admitted prior art for the purpose of decompressing/compressing voice data. The motivation being to reduce unstructured redundancy.

Claims 6, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art(Fig. 2) in view of Hammar et al.(5,436,900)

With regards to claims 6, 19 the admitted prior art fails to teach transcoding as one of the physical layer functions in the MSC. This is taught by Hammar(Fig. 2@). It would have been obvious to one of ordinary skill in the art to combine Smolik with the admitted prior art for the purpose of coding/decoding.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Vanderpuye whose telephone number is (703) 308-7828. The examiner can normally be reached on M-F from 6:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug OEMs, can be reached on (703) -872-9314. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-9051.

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Allowable Subject Matter

5. Claims 7-8, 15, 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



Kenneth Vanderpuye

July 24, 2002